

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/581,946 11/08/00 GARCIA MARTIN J GARCIA-MARTI

001444 PM82/0521
BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

EXAMINER

COHEN, C

ART UNIT PAPER NUMBER

3634

DATE MAILED:

05/21/01

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/581,946	Applicant(s) Garcia-Martin et al
	Examiner Curtis Cohen	Art Unit 3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Nov 8, 2000

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-17 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892) 18) Interview Summary (PTO-413) Paper No(s). _____

16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) Other: _____

Art Unit: 3634

DETAILED ACTION

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims appear to be a literal translation of the foreign parent application from which priority is claimed. As such, the claims are replete with indefinite errors. Applicant must review and amend all of the claims to conform to standard U.S. Patent practice in accordance with Section 112. The claims must properly set forth the claimed elements with proper antecedent basis. Claim 1, line 1, the element “a door trim panel” is functionally recited in the preamble of the claim and positively recited in line 9 as “a door trim panel.” Therefore, it is indefinite whether or not the door trim panel is intended to be claimed in combination with the door module, or if the claim is intending to recite only the subcombination of the door module. If it is applicant’s intent to claim the combination, then applicant must amend the preamble to positively recite the door trim. Further, the recitation in line 9 should read “said door trim.” Claim 1, line 10, there is no antecedent basis for the term “its wiring.” Claim 1, line 14, there is no antecedent basis for the term “the mechanical subassemblies.” Again, these are merely a few examples and the claims must be reviewed and amended accordingly. Any indication of

Art Unit: 3634

allowability is based solely on the combination being claimed as well as the examiner's best interpretation, in light of the specification, of the subject matter being claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benoit et al #5,095,659 in view of Ohya et al #4,662,115. From the outset, it should be noted that this rejection is based on the claim language as best understood considering the claims are replete with indefiniteness. Nevertheless, Benoit et al teaches a door having a trim panel 11 with a winder assembly, a wiring harness, rails, a motor, cables, a lock and a speaker assembly mounted thereto. All of these mechanisms are mounted to the trim panel and, as such, they all have relative movement between each member and the trim panel. That is, since they are mounted to the trim using fasteners, one can loosely mount each member such that each member is capable of moving relative thereto and tighten each member once it is mounted to the door frame. Benoit et al further teaches a seal 70 is applied between the door trim panel and the door frame. A cover or boss 111 is proved to cover the opening in the trim member. The cover is considered as being hinged to the trim since it is attached to the trim at the bottom of the cover and then swung

Art Unit: 3634

inwardly to snap into the opening. Benoit et al fails to teach drain holes. Ohya et al teaches that it is known in the art to provide drain holes for the purpose of draining water from the interior space of the door thereby preventing rust. For this reason, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention, to provide Benoit et al with a drain opening as taught by Ohya et al. Applicant might consider further defining the appendages 40 along with the deflector 37.

Allowable Subject Matter

Claim 2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2^d paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: There is no teaching or suggestion in the prior art of record of L-shaped appendages having fins that are secured within a pair of lugs having holes therein.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis Cohen whose telephone number is (703) 308-2106.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.



C. Cohen

May 16, 2001